



SELF-ADVOCATES ADVISORY COMMITTEE MEETING NOTICE/AGENDA

Posted on www.scdd.ca.gov

DATE: Monday, May 13, 2013
TIME: 1:30 p.m. – 4:00 p.m.
LOCATION: **Hilton Sacramento, Arden West**
2200 Harvard Street
Sacramento, CA 95815-3306
(916) 922-4700

TELECONFERENCE SITE:
Tarjan Center at UCLA
11075 Santa Monica Blvd. Suite 200
Los Angeles, CA 90025

Pursuant to Government code Sections 11123.1 and 11125(f), individuals with disabilities who require accessible alternative formats of the agenda and related meeting materials and/or auxiliary aids/services to participate in this meeting should contact Thomas Johnson at (916) 322-8481 or email thomas.johnson@scdd.ca.gov. Requests must be received by 5:00 pm, May 10, 2013.

- | | Page # |
|-----------------------------------|-----------------|
| 1. CALL TO ORDER | J. Allen |
| 2. ESTABLISHMENT OF QUORUM | J. Allen |
| 3. WELCOME/INTRODUCTIONS | J. Allen |
| 4. PUBLIC COMMENTS | |

This item is for members of the public only to provide comments and/or present information to the Council on matters not on the agenda. Each person will be afforded up to three minutes to speak. Written requests, if any, will be considered first. The Council will provide a public comment period, not to exceed a total of seven minutes, for public comment prior to action on each agenda item.

- | | | | |
|-----|---|----------------------|----|
| 5. | APPROVAL OF DECEMBER 2012, JANUARY 2013,
AND MARCH 2013, MEETING MINUTES | J. Allen | 3 |
| 6. | SSAN REPORT | J. Allen | |
| 7. | RFP UPDATE | J. Allen / R. Newton | |
| 8. | DISCUSSION OF OREGON LAWSUIT TO
CLOSE SHELTERD WORKSHOPS | M. Kennedy | 17 |
| 9. | REVIEW COUNCIL PACKET | R. Newton | |
| 10. | ADJOURNMENT | J. Allen | |



DRAFT

Self-Advocates Advisory Committee Meeting Minutes December, 3 2012

Members Present

Jennifer Allen
Thomas Forderer
Molly Kennedy
Kecia Weller
Kerstin Williams

Members Absent

Others Attending

Wayne Blusker
Joan Burg
Lois Cissel
Tammy Eudy
Roberta Newton
Dena Hernandez
Thomas Johnson
Charlene Jones
Angie Lewis
Mary Agnes Nolan
Mark Polit
Mark Starford

1. CALL TO ORDER/ESTABLISHMENT OF QUORUM

Jennifer Allen, Chairperson, called the meeting to order at 01:05 p.m. and a quorum was established.

2. WELCOME AND INTRODUCTIONS

Council members and others attending introduced themselves.

3. PUBLIC COMMENT

Roberta Newton informed members that SCDD headquarters received a letter from North Carolina U.S. Senator Kay Hagan in regards to her support for the UN Charter's Convention on the Rights with Persons with Disabilities (CRPD) treaty currently before the United States Senate for ratification.

4. APROVAL OF SEPTEMBER 2012 MEETING MINUTES

It was moved/seconded (Weller/Williams) to approve the September 11, 2012 SAAC meeting minutes. (All in favor)

5. **APPROVAL OF OCTOBER 2012 MEETING MINUTES**

It was moved/seconded (Williams/Allen) to approve the October 2012 SAAC meeting minutes. (All in favor)

6. **EXECUTIVE COMMITTEE ACTION ITEMS**

Review Committee Structure

Roberta Newton informed members that one result of the September closed session was to create an "ad hoc committee" for the purpose of selecting an interim executive director, and subsequently, a permanent executive director for SCDD. This ad-hoc committee would also examine issues related to contracts. However, Roberta highlighted the desire to make this committee permanent and to give it oversight of various administrative issues with SCDD (i.e. contracts, personnel, budgets, etc). Committee members agreed that a permanent committee of the sort should be created. This action will be presented to members for a vote during tomorrow's, December 4th, meeting

Recommendation by Department of Finance

Many issues were raised by the letter provided by the Department of Finance pertaining to their limited audit of Council contracts. The DOF found a few problems which translated into the Executive Committee's approval of a more extensive audit of SCDD contracts and grants. Roberta informed members that this audit has already been initiated with the help of the Department of Health Care Services' audit division. Roberta has given them full access to SCDD headquarters in order to locate issues related highlighted by the DOF letter.

Independent Investigation of Personnel Issues

When the previous Executive Director was evaluated in August, issues separate from the executive director's evaluation were raised by SCDD headquarter personnel. Due to the sensitivity of this issue, Roberta informed members that she has already engaged an independent investigator who has interviewed all SCDD headquarter staff. His report will be provided to Council within the next few weeks. The caveat is that this investigation pertains to civil service staff. As a result, many issues will have to remain confidential. SCDD legal counsel may be brought into the January meeting to look over the investigator's report with SAAC and Council members.

Reorganization of Headquarters

One of the major points made by the DOF was that there were major problems with the organization of Council headquarters. The report highlighted that pertinent administrative, policy, and financial issues were being made by only two individuals. The DOF suggested that Council improve the organization of headquarters as to fill key administrative and managerial positions. Roberta informed members that a new organization chart will be proposed to Council for approval. Specifically, this new organization will create three new deputy positions, being: Deputy of Administration, Deputy of Area Board Operations, and a Deputy of Policy and Planning (note: the latter position is now held by Mark Polit).

Molly Kennedy raised a few questions regarding the approval and creation of new positions.

BRC Contract and Annual Report

The limited audit performed the DOF demonstrated that the Council contract with the Board Resource Center (BRC) was improperly entered into by Carol Risley on behalf of the Council. It was improper because Council never reviewed or approved the contract. Roberta emphasized that Mark Starford had nothing to do with this mistake. Fault rests on Carol Risley. The Executive Committee discussed this issue extensively. The recommendation to the Council is that they terminate the BRC contract "without cause".

David Forderer raised concerns with how Council is supposed to ameliorate problems associated with this contract and its termination. Roberta informed David that Council can issue a new contract request, essentially starting over with a clean slate, which will allow SAAC members to have more opportunities to input their concerns and needs into any eventual contractual agreements.

Mark Starford emphasized that greater exposure and inclusion by Council and SAAC members will open the door for greater participation throughout California to address the needs for individuals with developmental disabilities.

Policy for Representation at Outside Events

Issues have been raised regarding instances when Council members participate in other groups, committees, or agencies. Confusion has been voiced as to when these members speak on their behalf or when they are speaking on behalf of Council. In short, members must petition and receive approval by SCDD to act

and speak as representatives of Council during these various outside engagements and activities.

Attendance Policy

A new "attendance policy" for meetings and conferences will be presented to Council for approval at tomorrow's, December 4th, meeting.

Orientation of New Members

Roberta informed members that a formal orientation process of new Council members and staff has been reinstated.

Appointment of Interim Director

Roberta discussed the issues and process involved with the appointment of a new executive director. In the meantime, Council will discuss and vote for an "interim executive director" in order to facilitate the process of choosing a permanent executive director in the future.

Molly Kennedy voiced her appreciation of Roberta Newton's efforts as acting executive director.

Location of 2013 Meetings

Roberta informed members that a brief discussion of 2013 meeting locations, outside of Sacramento, will be presented at tomorrow's meeting. The purpose of the discussion will be to see how to improve the accessibility and attendance of meetings for Council members, families, and the public. Members discussed their various opinions, including event sites with easier access, better restaurants, cheaper accommodations, etc.

7. NOMINATING COMMITTEE

During tomorrow's meeting, Council will elect a Chair and Vice Chair. The candidates for Chair are Jorge Aguilar and Jennifer Allen. The candidates for Vice Chair are Leroy Shipp and Jennifer Allen.

Molly Kennedy brought up concerns with the process how the slate of candidates was selected. She emphasized concern regarding the transparency of the process.

She wished that more notice were given to members before the nomination process took effect as to see if other members were interested in filling vacancies.

8. LEGISLATIVE AND PUBLIC POLICY COMMITTEE

Mark Polit discussed results coming out of the LPPC meeting. One recommendation that the LPPC will make to the Council tomorrow is that they sponsor legislation to create an Employment First Policy in California. He has talked to Assembly member Wesley Chesbro who is still willing to head an effort in the legislature to make this policy a reality. Mr. Polit expressed his desire to get Council's endorsement to start working with Chesbro's staff in order to potentially get new Assembly members sympathetic to the effort. Polit also discussed the various political and logistical aspects of getting this policy enacted in California; especially in regards to combating the misconception held by some politicians that an employment first policy would be costly to the state and the strategy of getting more members—on both sides—behind this bill.

LPPC is also recommending to Council that staff talk to other stake holders to sponsor legislation which makes self-determination an option for people in the regional center system. Council supported legislation last year which would have created self-determination. It was also authored by Wesley Chesbro. In short, self-determination allows individuals the opportunity to choose which services and supports they want instead of relying on the regional centers for choosing the options available. Members, particularly Molly Kennedy, expressed the desire to have self-determination included as a part of any legislative effort and that members/consumers should be involved in drafting process.

Mark also discussed the budget prospects for the 2013 fiscal year and beyond. He emphasized that the "fiscal crisis" might be over given the projection of the state budget having a surplus instead of a deficit. Therefore, the opportunity for Council to get more programs or policies enacted may be brighter. However, the Federal budget is more tenuous. Democrats and Republicans in the House and Senate are struggling to find common ground in the budget negotiations. Indeed, the ad-hoc "Super Committee" failed to raise a deal and it appears that the debt ceiling talks will be a highly contentious issue leading up to the December deadline. It is expected that automatic trigger cuts, as a result of the sequestration, will impact discretionary spending that may percolate downward to funding impacting the Disabilities Act in California and disabilities programs throughout the States. Therefore, the LLPC is recommending that the Council prepare and send a letter to the California Congressional delegation outlining the impact on individuals with developmental disabilities if a 8% cut were enacted at the federal level.

Mr. Polit informed members that the Regional Center Conflict of Interest Regulations will be up for review. The LPPC is recommending to the Council that

they weigh in on the draft of the regulations and request certain modifications. These modifications are included in the packet and will be reviewed during tomorrow's morning.

9. PROGRAM DEVELOPMENT COMMITTEE

Jay Nolan Proposal

Mr. Polit discussed the outcome of the Council's request for grant bids throughout California. In August the PDC met and reviewed all of the proposals. The proposal that was selected was submitted by Jay Nolan Community Services, in partnership with Easter Seals of Southern California and Griffin- Hamlin Associates for a project to promote employment, transition, age, and youth. The goals of the project are to engage local school districts and families to help youth with developmental disabilities transition into adulthood by finding meaningful employment. The specific elements of the proposal were elaborated by Mr. Polit. He also notified that the proposal has been resubmitted to the ad-hoc committee for one more review before final processing.

Thomas (David) Forderer expressed his concern that this proposal might overlook individuals with either extreme or rare cases of disability. Particularly, Mr. Forderer discussed his personal employment experiences. Being physically and visually disabled has made it very hard for him to find employment. Moreover, he knows of other individual's experiences in that employers judge an individual's disability before acknowledging their other faculties, particularly the ability to write or analyze material. Thus, Mr. Forderer expressed his desire that any proposal should include an element of greater concern for these certain cases and make it a priority to help these individuals find and keep gainful employment.

There was further discussion among the members about specific issues pertaining to the Jay Nolan Proposal.

10. STATEWIDE SELF ADVOCACY NETWORK

Jennifer Allen presented her update about November's SSAN meeting. She highlighted her appreciation of the SSAN guest speaker's discussion about how the civil rights movement in the sixties mirrors the current advocacy for individuals with developmental disabilities. She also discussed the group brainstorming project on day two of the meeting and some of the items that SSAN members wished to work on and incorporate into their group's mission now and in the future. The next SSAN meeting is being scheduled for a date shortly after the New Year.

11. COMMITTEE BUSINESS

The summary of the SAAC October 26th meeting will be discussed at the next meeting. The issues pertaining to the formation of a new committee plan will be discussed and members were encouraged to brainstorm ideas and proposals for the next meeting and the overall plan that will be submitted in the future. Included in the packet handed to members was a worksheet. Mark Starford offered to provide resources and information to members in order to help facilitate conversation and brainstorming. Roberta Newton also read a summary of the SAAC bylaws and highlighted some of the main elements of facilitation and accessibility as to inform members on some of the things they should think about when creating a plan.

Molly Kennedy: read a statement that she wanted to present to Council regarding self-determination, particularly in regards to her desire to have all members included in the development of programs, advocacy, and services.

Thomas Forderer: wishes to discuss the obstacles and time that it takes for members to be selected by the Governor and ways to improve the process.

Action: Members agreed to complete the Committee Plan packet between now and the January 15th meeting. (All in favor)

12. (CRPD) TREATY

Members are encouraged to email and call key six US Senators to show their support for the CRPD before its final vote tomorrow at 9am, PST. Mark Starford provided information and articles to members.

Action: It was moved/seconded (Forderer/Kennedy) and carried to approve that if CRPD is ratified, members will draft a letter of thanks to their California Senators.

13. Meeting was adjourned at 4:31 p.m.



Self-Advocates Advisory Committee Meeting Minutes January 13, 2013

Members Present

Jennifer Allen
Thomas Forderer
Molly Kennedy
Kecia Weller
Kerstin Williams

Members Absent

Others Attending

Jorge Aguilar
Wayne Blusker
Dena Hernandez
Ed Holen
Jennifer Johnson
Thomas Johnson
Jamie Kendall
Angie Lewis
Roberta Newton
Mary Agnes Nolan
Mark Polit
Leroy Shipp
Vicki Smith
Rita Stevens
Willie West

1. CALL TO ORDER/ESTABLISHMENT OF QUORUM

Jennifer Allen, Chairperson, called the meeting to order at 01:31 p.m. and a quorum was established.

2. WELCOME AND INTRODUCTIONS

Council members and others attending introduced themselves.

3. PUBLIC COMMENT

No public comments.

4. APROVAL OF DECEMBER MEETING MINUTES

It was moved/seconded and carried (Kennedy/Williams) that approval of December meeting minutes be tabled until the next meeting.

5. OPERATING RULES VERSUS BYLAWS

Jennifer Allen presented a brief summary concerning the Operational Rules, why they were in conflict with the SCDD BYLAWS, and why action was taken to eliminate the Operational Rules so as to bring the SAAC into legal footing with the State Council.

6. REVIEW SCDD BYLAWS – ROLE OF SAAC

Jennifer Allen asked members to think about what is missing from the BYLAWS and what they would like the new BYLAWS to include concerning the role of SAAC. There was brief discussion among members regarding particular aspects of the revised BYLAWS and it was recommended that these and all other considerations be presented to the Executive Committee.

7. FUTURE PLANS & SCHEDULE FOR SAAC

Dena Hernandez reviewed the brief history leading up to the new Request for Proposal (RFP). She discussed a few of the requests made by SSAN in November. It was then asked that committee members think about what they would want to include in the new RFP.

Vicki Smith made a clarification regarding the dual scope of the RFP. She noted that one RFP deals with facilitation while the other RFP deals with what supports are needed to ensure that the committee continues to operate effectively (e.g. staffing, hotel reservation needs, language translation, etc.). Vicki also emphasized that members should consider what things they need in order to fulfill the functions required by the SAAC in the revised BYLAWS.

Jennifer Allen requested that members send her an email with their ideas on what they would want to include in the RFP, no later than February 21st, 2013.

8. RECOMMEND VICE CHAIR

Per Jorge Aguilar's request, it was approved by full committee that Kerstin Williams be nominated as Vice Chair of the SAAC.

9. UPDATE ON CRPD

No updates were made available.

10. UPDATE ON ISSUES AT SONOMA DEVELOPMENTAL CENTER

Mark Polit provided an update regarding the Sonoma Developmental Center's notice of certification revocation; concerns pertaining to its quality of care; and other issues pertaining to the State's protocol in resolving the various issues and problems at the Developmental Center as well as budgetary consequences resulting from a possible closure of the facility.

It was moved/seconded (Forderer/Weller) and carried to request that a representative from the Sonoma Developmental Center present a summary briefing at the next SAAC meeting about what is going on at the Center and provide firsthand information about what it is like to live/work there.

11. REVIEW OF THE COUNCIL PACKET

Roberta Newton reviewed the Council packet.

12. MEETING WAS ADJOURNED AT 4:31 P.M.



Self-Advocates Advisory Committee Meeting Minutes March 19, 2013

Members Present

Jennifer Allen
Brian Gutierrez
Molly Kennedy
Kerstin Williams

Members Absent

Thomas Forderer
Heidi Smyers
Kecia Weller

Others Attending

Jorge Aguilar
Jennifer Brown
Dena Hernandez
Thomas Johnson
Ross Long
Roberta Newton
Mary Agnes Nolan
Mark Polit
Leroy Shipp
Margaret Shipp
Matthew Shipp

1. CALL TO ORDER/ESTABLISHMENT OF QUORUM

Jennifer Allen, Chairperson, called the meeting to order at 12:30 p.m.

A quorum was not established

2. WELCOME AND INTRODUCTIONS

Council members and others attending introduced themselves.

3. PUBLIC COMMENT

There were no public comments.

4. APROVAL OF DECEMBER 2012 and JANUARY 2013 MEETING MINUTES

There was no established quorum. Approval of December and January meeting minutes could not move forward. Approval of minutes will wait until the May SAAC meeting.

5. SSAN Report

Jennifer Allen summarized the activities and discussions that took place at the February 28th and March 1st SSAN meeting at the Citizen Hotel in Sacramento, CA.

She emphasized that members discussed what their roles should be as Self-Advocates in their communities; skills that members would like to develop or contribute to the state plan; and ideas for services and supports that should be included within the Request for Proposals.

Jennifer also discussed presentations about the Bagley Keene Open Meeting Act and Robert's Rules of Order. She also summarized a few of the member's reports, regarding what they have recently accomplished within their respective communities.

6. UPDATE ON ISSUES AT SONOMA DEVELOPMENTAL CENTER

Ross Long, a volunteer services advocate for Area Board 4, provided a summary of ongoing issues at the Sonoma Developmental Center.

Members asked several questions and there was a brief discussion.

Ross Long discussed the certification issues of the developmental center, issues related to personnel, what the living situation is of residents at the developmental center, and steps that are being taken to address problems at the developmental center. He also discussed his role as a services advocate in the community. He also highlighted the need for Direct Care staff at the developmental center in order to provide better services for residents requiring special care.

7. EFC REPORT

Mark Polit, Deputy Director of Policy and Planning, provided members a summary regarding the work of the Employment First Committee, highlighting the Strategic Planning Process.

Mark also discussed proposed and pending legislation within the state legislature, pertaining to increasing the education and employment opportunities for individuals with developmental disabilities.

8. RFP UPDATE

Roberta Newton, Interim Executive Director, provided members summaries of both Requests for Proposals that will be presented to the Council for consideration at tomorrow's meeting. In short, two RFPs will be considered.

One RFP pertains to Leadership Coaching, Meeting Logistics, Training, Plain Language, Technology and Technical Support for Area Boards.

The other RFP pertains to Individualized Facilitation and Attendant Services.

9. REVIEW COUNCIL PACKET

Roberta Newton concluded the meeting with a review of the Council packet.

10. ADJOURNMENT

Meeting was adjourned at 3:03 p.m.



Class Action Lawsuit Seeks an End to Segregated Sheltered Workshops

PORTLAND, ORE. – Jan. 25, 2012 – Advocates for individuals with intellectual and developmental disabilities today filed a class action lawsuit challenging Oregon’s failure to provide supported employment services to more than 2,300 state residents who are segregated in sheltered workshops where they perform mundane tasks, such as folding UPS bags.

[For the complaint, a fact sheet, and press coverage, click here.](#)

The lawsuit, filed in U.S. District Court, charges state officials with violating the Americans with Disabilities Act and the Rehabilitation Act by confining individuals with disabilities to segregated settings where they have little – if any – interaction with non-disabled peers. Moreover, they are paid far below the state’s minimum wage of \$8.80 for doing rote tasks that offer no training, no skills, and no advancement.

For more than a decade, lead plaintiff Paula Lane, 48, has had the same request: “Find me an outside job.” Instead, she and 137 other people with disabilities package gloves or put parts into boxes on assembly lines in a noisy and crowded sheltered workshop in Beaverton. Despite her request for competitive employment and her high performance scores, her individualized service plan has no goals related to employment. She lives in an apartment with staff support, and would like to go to a country music concert or attend an Upward Bound camp, but her resources are limited. Over a 12-month period in 2010-11, she made a high of 66 cents an hour.

Another plaintiff, Lori Robertson, 51, performs mundane tasks at a sheltered workshop in Gresham. She has been assigned to these segregated settings since 1981. Robertson earned \$126.15 for 53.9 hours of work in December 2011 – which works out to \$2.34 an hour. She lives in a group home and would like to earn at least minimum wage in an integrated job in the community. She also would like to go bowling or horseback riding, but has little money left after paying her bills.

According to the lawsuit, Oregon currently spends \$30 million a year confining individuals with disabilities to sheltered workshops. The plaintiffs contend it would be much cheaper to fund programs that promote integrated, supported employment. They cite a 2010 Call for Action Report issued by the state’s Office of Developmental Disability Services that recognized “cumulative costs generated by sheltered employees may be as much as three times higher than the cumulative costs generated by supported employees – \$19,388 versus \$6,618.”

The plaintiffs are represented by Disability Rights Oregon, Miller Nash, Perkins Coie, and the Center for Public Representation.

“The Americans with Disabilities Act recognizes that discrimination against individuals with disabilities includes intentional segregation and relegation to lesser service jobs,” said Bruce Rubin, partner at Miller Nash. “This law protects individuals with developmental disabilities, like the named plaintiffs in this lawsuit.”

Ironically, throughout the 1980s, Oregon was at the forefront of a national movement to reduce the number of sheltered workshops and increase opportunities for integrated and supported employment. However, beginning in the mid-1990s, the state changed course and the raw number and percentage of people served in sheltered workshops more than doubled, while the number and percentage served in supported employment has almost halved. This reversal, ascribed to a lack of commitment to expanded supported employment programs and to a drop-off in federal monies for such programs, coincided with the 1999 U.S. Supreme Court ruling in *Olmstead v. L.C.* that ordered states to develop concrete, measurable plans to integrate disabled persons into the general population.

“Requiring integration in employment is the next natural step for obeying the integration mandate required by the U.S. Supreme Court and the U.S. Department of Justice,” said Steven Schwartz, litigation director at the Center for Public Representation.

“It is time to require that the State of Oregon follow the law,” said Bob Joondeph, executive director of Disability Rights Oregon.

“We want the state to provide supported employment programs in integrated employment settings and to develop measurable plans that describe modifications to the state’s employment service system,” said Lawrence Reichman, partner at Perkins Coie.

Joondeph cited the plaintiffs’ segregation and inequitable wages, and added, “They deserve better.” For example, 28-year-old Sparkle Green wants “a community job,” but no one has discussed integrated employment options with her or offered her supported employment services. She has almost perfect performance scores at the Beaverton sheltered workshop, but earned less than 46 cents an hour in August, 39 cents an hour in September, and 29 cents an hour in October.

Gretchen Cason, 27, was referred to a sheltered workshop that purported to provide employment services, but instead offered only crafts projects, and she spent three years watching television or coloring. If she ever has the chance, she would work in a music store or an ice cream parlor. As she explains, what she wants is “a job that’s not boring.”

Andres Paniagua, 32, works with 66 other individuals with disabilities in a sheltered workshop that cuts steel. Mr. Paniagua has worked in every department from the machine shop to the front office. Despite his demonstrated ability, interest, and repeated requests for outside integrated employment, he has not been afforded any community-based options. Rather, the goal outlined in his “individualized” service plan calls for more segregation: “opportunities in employment in a workshop setting and for activities and socialization with other people with disabilities.”

The other named plaintiffs are Angela Kehler, 48, who has been forced to remain in sheltered workshops since she was laid off from a successful job placement at a drugstore; Elizabeth Harrah, 32, who previously worked at McDonald's and Safeway, and now is at a sheltered workshop while waiting for assistance to return to competitive employment; and Xavier Kinville, 27, who is stuck at a sheltered workshop, awaiting an opportunity for integrated community employment. Kinville has volunteered in the community, where his favorite job was reading to children.

United Cerebral Palsy of Oregon and Southwest Washington (UCP), which serves adults, children, and families experiencing cerebral palsy and intellectual and developmental disabilities, is an organizational plaintiff in the lawsuit. UCP executive director Ann Coffey said its efforts to increase supported employment programs have been frustrated by the state's diversion of resources into sheltered workshops. As alleged in the lawsuit, thousands of individuals with disabilities are unable to get supported employment services because the Department of Human Services (DHS) administers and funds an employment system that relies primarily on sheltered workshops.

The plaintiffs are asking the federal court to direct the state to end their needless segregation in sheltered workshops and to provide supported employment services to enable them to participate in competitive employment in integrated settings as mandated by federal law.

The lawsuit, *Lane v. Kitzhaber*, names as defendants Governor John Kitzhaber; Erinn Kelley-Siel, DHS director; Mary Lee Fay, administrator of the Office of Developmental Disability Services; and Stephanie Parrish Taylor, administrator of the DHS Office of Vocational Rehabilitation Services.

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How much does the State of Oregon spend on sheltered workshops?

Oregon spends approximately \$30 million per year on sheltered workshops. This amounts to approximately \$2,515,760 per month.

What are the cost implications for ending reliance on sheltered workshops and moving toward integrated, supported employment?

In the long run, it would cost less. In its 2010 "Call to Action" report, the state's Office of Developmental Disability Services (a division within the Oregon Department of Human Resources) concluded that sheltered workshops cost as much as three times more than supported employment. Academic studies support this finding, and show that any increased up-front costs in the transition from sheltered workshops to supported employment are offset in the long run and savings are achieved.

Given Oregon's current economy, is supported employment realistic?

Yes. Across the country, supported employment programs are viable. Most supported employment jobs are in the service sector – not in the manufacturing sector that has suffered more job losses due to the economy. Also many supported employment jobs are part-time or entry-level positions that can be sustained despite current economic conditions.

What has been the Oregon history in connection with sheltered workshops?

Oregon was once in the forefront of a national movement to reduce the number of sheltered workshops and increase opportunities for integrated and supported employment. But the state changed course in the mid-1990s, and since then, the raw number and percentage of persons served in sheltered workshops has more than doubled, while the number and percentage served in supported employment has almost halved.

What type of relief does the lawsuit aim to achieve?

The lawsuit seeks injunctive relief to require that the State provide supported employment programs in an integrated employment setting for all qualified class members consistent with their individual needs.

The lawsuit also seeks an injunction so that the State is required to develop and implement a plan approved by the court that describes each of the activities that must be undertaken to modify the State's employment service system, including infra-structure modifications, definitions of the types of services to be provided, training for those who will provide the services, education for families of persons with developmental disabilities, and coordination among the numerous state agencies that play a role in providing assistance to persons with disabilities.

For questions, call Bob Joondeph at Disability Rights Oregon: 503.243.2081.



<http://www.acf.hhs.gov/programs/aidd/news/justice-department-moves-to-intervene-in-pending-class-action-lawsuit>

Justice Department Moves to Intervene in Pending Class Action Lawsuit Against Oregon Regarding Sheltered Workshops

April 2, 2013

From the Department of Justice:

On March 27, 2013, the United States moved to intervene in the class action lawsuit, *Lane v. Kitzhaber* (<http://links.govdelivery.com:80/track?type=click&enid=ZWfzPTEmbWFpbGluZ2lkPTlwMTMwMzI5LjE3MjA1OTUxJm1lc3NhZ2VpZD1NREltUFJELUJVTC0yMDEzMDEyOS4xNzlwNTk1MSZkYXRhYmFzZWlkPTEwMDI>). No. 12-cv-138 (D. Or.). The United States' complaint in intervention alleges that the State has violated Title II of the ADA and Section 504 of the Rehabilitation Act by unnecessarily segregating thousands of individuals with intellectual and developmental disabilities (I/DD) in sheltered workshops, and by placing them at risk of such segregation, when they could be served in integrated employment settings. Individuals who are at risk of unnecessary segregation include youth with I/DD who are referred for admission to sheltered workshops after graduating from or exiting Oregon secondary schools.

The Department opened an investigation in October 2011 into whether Oregon is violating Title II of the ADA by placing persons with I/DD in segregated sheltered workshops when such persons are capable of working in integrated workplaces with appropriate supports and services, i.e., supported employment. The Center for Public Representation (CPR) and Disability Rights Oregon (DRO), along with two private law firms, filed *Lane v. Kitzhaber* to challenge segregated workshop placements under *Olmstead*. On August 6, 2012, the court certified a class defined as "all individuals in Oregon with intellectual or developmental disabilities who are in, or who have been referred to, sheltered workshops" and "who are qualified for supported employment services." In June 2012, the Division filed a Statement of Interest in support of class certification and issued a Letter of Findings concluding that Oregon's sheltered workshop system violated Title II of the ADA and *Olmstead*.

To learn more about the Department's efforts to enforce the Supreme Court's decision in *Olmstead v. L.C.* and about the Americans with Disabilities Act, go to ADA.gov ([http://links.govdelivery.com:80/track?](http://links.govdelivery.com:80/track?type=click&enid=ZWfzPTEmbWFpbGluZ2lkPTlwMTMwMzI5LjE3MjA1OTUxJm1lc3NhZ2VpZD1NREltUFJELUJVTC0yMDEzMDEyOS4xNzlwNTk1MSZkYXRhYmFzZWlkPTEwMDI)

call the toll-free ADA Information Line ([http://links.govdelivery.com:80/track?](http://links.govdelivery.com:80/track?type=click&enid=ZWfzPTEmbWFpbGluZ2lkPTlwMTMwMzI5LjE3MjA1OTUxJm1lc3NhZ2VpZD1NREltUFJELUJVTC0yMDEzMDEyOS4xNzlwNTk1MSZkYXRhYmFzZWlkPTEwMDI)

at 800-514-0301 (voice) or 800-514-0383 (TTY).



In response to a lawsuit, Oregon Governor Kitzhaber has issued an Executive Order to:

(1) stop funding work assessments in sheltered workshops and

(2) to stop funding sheltered workshop placements for those coming out of school or not already in one by July, 2015. This action will effectively freeze new placements in sheltered workshops, ending their continued growth. The freeze applies to:

-- transition-age youth with I/DD.

-- any working age adult with I/DD newly eligible for state or VR services;

-- any working age adult with I/DD who is already utilizing state or VR services who is not already working in a sheltered workshop.

Over the next nine years, the state expects to provide job services to 2,000 individuals in integrated settings. The Order defines such settings as:

An integrated employment setting can include a group enclave or mobile crew but must allow an individual to interact with non-disabled persons in the employment setting.

According to the order, employment services shall be "evidence-based and individualized."

For more information

Source: <https://trn-store.com/disability-update>

